



## BOARD OF APPEAL

F. LESTER FRASER  
WILLIAM O. HEWETT  
FRANKLIN P. PARKER  
FRANCIS L. SWIFT  
HENRY H. THAYER

KATHARINE E. TOY  
Administrative Secretary  
Telephone  
235-1664

Petition of Richard R. Hartley

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:25 p.m. on September 30, 1976, on the petition of Richard R. Hartley, requesting a special exception from the terms of Section XIX of the Zoning By-law which will permit the construction of an addition on the side of the dwelling at 69 Chesterton Road, with a side yard less than the required twenty feet. Said request was made under Section XIX of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

On September 11, 1976, the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

The petitioner spoke in support of the request at the hearing.

The Planning Board opposed the request in its report on the basis that it represents a significant encroachment on the side yard in a neighborhood where other houses seem to conform to the zoning requirement.

Statement of Facts

The house involved, which was built in 1950, is located on a lot containing 10,200 square feet, within a single residence district requiring a minimum lot area of 10,000 square feet.

The petitioner seeks permission to enlarge an existing screened porch on the easterly side of his house and convert it into a family room. The existing porch is only 9½' x 11½' which, the petitioner feels, would provide an extremely small family room. It is, therefore, proposed to extend it to 12.2' x 14.1' by extending the foundation four feet in an easterly direction. If built, it will be 16.58 from the side lot line at the nearest point. It was explained that the petitioner has two children and finds that there is a great need for a family room at this time. The possibility of building it at the rear did not seem feasible because of the windows and door across the back of the house, which would be blocked off.

A plot plan was submitted, drawn by Alexander Crucioli, Land Surveyor, which showed the existing house on the lot as well as the proposed extension. Said plan was dated July 9, 1976.

Decision

The Board has made a careful study of the facts in this case and has taken a view of the locus. It is the opinion of this Board that a real need exists for the proposed addition to the existing porch which will provide a more livable family room and the increase in size will not reduce the value of property within the district or otherwise injure the neighborhood.

The house was built in 1950, on a lot which adjoined other


land of the same owner on April 1, 1940. The Board, therefore, is not authorized to make a special exception under Section XIX of the Zoning By-law as said section authorizes the Board to grant such exceptions only if on April 1, 1940, the lot was owned of record under a separate and distinct ownership from adjacent lots. The Board, however, considered the petition under the provisions of General Laws, Chapter 40A, Section 15, Chesterton Road was developed after the by-law requiring a 20-foot side yard became effective, and while it appears to the Board that most of the dwellings in the area have side yards at least the minimum width of twenty feet, it does feel that in this instance due to the relatively slight encroachment, it will not prove detrimental to the adjoining property or to the neighborhood.

It is the further opinion of this Board that a literal enforcement of Section XIX of the Zoning By-law would cause a substantial hardship to the petitioner which can be avoided without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of said section.

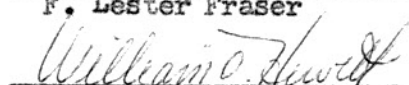
In view of the evidence presented, it is the opinion of this Board, therefore, that a variance can be granted from the terms of Section XIX of the Zoning By-law under the provisions of Chapter 40A, Section 15, of the General Laws.

Accordingly, the request is granted and the issuance of a permit for the proposed addition as shown on the plan submitted and on file with this Board is hereby directed.

Filed with Town Clerk \_\_\_\_\_

  
Francis L. Swift

  
F. Lester Fraser

  
William O. Hewett

MAJ 2 5 TO 6H.11

228  
OFFICE



APPROVAL UNDER THE SUB-DIVISION CONTROL LAW NOT REQUIRED.



WELLESLEY PLANNING BOARD

*Alexander Cruciol*  
ALEXANDER CRUCIOLI  
7/9/76

PLAN OF LAND  
IN  
WELLESLEY, MASS.  
Scale: 40 Feet To An Inch  
July 9, 1976  
ALEXANDER CRUCIOLI  
ACRES-ENGINEERS-SURVEYORS, INC.  
6 ABBOTT ROAD  
WELLESLEY HILLS, MASS.

